

## How to **Ask for an Immediate Restraining Order** For People Who Are Not Married

These instructions explain how to ask for an immediate order to protect you and/or your child from the other party.

Parties must have an open, active family law case to request a Restraining Order. If you do not have an open family law case, you must file one.

### **Talk to a lawyer if you can**

These instructions have been developed by the King County Superior Court Family Law Information Center. They provide *legal information* only and **are not intended** to be a substitute for legal advice.

**Facilitators cannot provide legal advice or complete your forms for you.** It's a good idea to talk to a lawyer before you file any forms.

- You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.
- You can obtain a list of low-cost and free legal resources. <https://kingcounty.gov/~media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>

**NOTE:** if you need an immediate order, you can schedule to see a judicial officer in the ex parte department the same day or within 2 days. You will also need to schedule a return hearing on the family law calendar. At the return hearing the judicial officer will consider both parties' evidence and decide if your immediate order will remain in effect for the remainder of the case and issue temporary orders, such as a parenting plan/child support order, if you request this in your motion.

## Step 1: What kind of Immediate Restraining Order hearing do you need?

Do you need a SAME DAY EMERGENCY hearing for an Immediate Restraining Order?

YES – SAME DAY EMERGENCY

NO – NOT AN EMERGENCY

To request a SAME DAY hearing...

1. Your documents **MUST** prove threat(s) of imminent harm, or it is not possible to schedule a hearing in advance due to the circumstances of your issue; AND
2. Complete the entire process outlined in these instructions by 11:00am of your SAME DAY hearing. SAME DAY hearings are at 1:30pm.

To request an immediate hearing...

1. Schedule the immediate restraining order hearing at least two days after the other party is notified in writing; AND
2. Complete the process outlined in these instructions by 11:00am of your hearing.

## Step 2: Complete the Immediate Restraining Order paperwork

All these forms can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

Form Name	Form Number	Notes	Completed
<a href="#">Motion for Immediate Restraining Order (Ex Parte)</a>	FL Parentage 321		<input type="checkbox"/>
<a href="#">Declaration</a>	FL All Family 135	This form gives you more space to explain why you need an Immediate Restraining Order.	<input type="checkbox"/>

### Step 3: Schedule your Immediate Restraining Order Hearing with Ex Parte

Go to the ex parte calendar availability link and select a 1:30 Emergency Motion, Monday through Friday hearing spot and complete the Notice of Court Date Ex Parte Commissioners form: <https://superiorcourt.kingcounty.gov/ex-parte-online-scheduling>

Notice of Court Date Ex parte Commissioners	<a href="#">Kent</a> or <a href="#">Seattle</a>		<input type="checkbox"/>
---	---	--	--------------------------

### Step 4: Schedule your Return Hearing Date with Family Law

#### How to Choose a Court Date

**1. Picking a Hearing Date and Time:**

You must go to <https://superiorcourt.kingcounty.gov/famlaw/scheduling/calendar> to view availability and schedule your motion with the family law department.

**2. Pick the Correct Calendar:**

You will pick “Attorney Represented Motions” if there is an attorney on the other side or “Self-Represented Motions” if there are no attorneys involved. Make sure to pick the correct calendar on the calendar tool.

You will need your case number, contact information and information for the other party to complete the reservation

**3. Filing your documents:**

Once you have reserved your spot on the calendar, the reservation system will give you the Notice of Court Date to file or you can download the form at:

<https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms>

**4. You will also need to write the return hearing date on the Immediate Restraining Order (Ex Parte) Notice of Hearing form listed in the table below. This is the “proposed order” you are asking the commissioner to sign at your immediate hearing. This order will be in effect until your return hearing date.**

Notice of Court Date Family Law Commissioners	<a href="#">Kent</a> or <a href="#">Seattle</a>		<input type="checkbox"/>
Immediate Restraining Order (Ex Parte) Notice of Hearing	<a href="#">Kent</a> or <a href="#">Seattle</a>	Proposed order	<input type="checkbox"/>

## **Step 5: File your documents, working copy, notify ex parte and the other party**

### **Make copies of your documents, file your documents and submit your proposed order:**

Ex Parte Notice of Hearing and all documents that will be considered must be filed in the Clerk's Office (either eFiled or physically delivered) no later than 11:00am on the day of the scheduled hearing.

Your documents must be viewable in KCSCRIPT by 11:00am, the date of the hearing. It is highly recommended that you eFile your documents to ensure they are immediately available in KCSCRIPT. E-Filing requires documents to be submitted in PDF. You may not submit photographs of documents.

[How to E-file](#)

Documents filed in person are generally not accessible in KCSCRIPT until the next business day. If you must file in-person, please ask the clerk when the documents will be viewable in KCSCRIPT and pick your hearing date accordingly

### **Working papers (Commissioner's copy)**

Working papers include all documents relevant to the motion before the Court. Working copies may be included in the email to confirm an emergency motion hearing or dropped off in person at the Maleng Regional Justice Center, room 2D, in Kent; or the King County Courthouse, room W-325, in Seattle.

Notify the Ex Parte department no later than noon on the day of your scheduled hearing.

**To confirm your hearing**, send an email to [scexparteorders@kingcounty.gov](mailto:scexparteorders@kingcounty.gov) with

- The date and time of hearing
- The case number and names of the parties
- A list of filed documents and their docket numbers in KCSCRIPT
- Attach a copy of your proposed order

Once the Ex Parte department confirms your valid hearing date you will receive an email from the department with hearing information and tips for appearing remotely.

### **Giving notice to the other party**

When asking for an Ex Parte Restraining Order, you must give written or verbal notice to the affected party. This may be to their attorney or, if unrepresented, to the opposing party. The moving party or attorney must certify to the court in writing how they gave notice.

Such notice is required in all cases, unless you show by sworn declaration that immediate injury, loss, or damage will result if notice is given.

**If you gave written notice, attach a copy of your email or fax or letter to the Motion.**

Email or give the other party/their attorney a set of your motion papers before the hearing. If you ask the court to waive notice you must be prepared to explain any facts in support of this request at the time of the hearing.

## Step 6: Complete Proposed Orders for the return hearing

All these forms can be downloaded at: <http://www.courts.wa.gov/forms/>

<a href="#">Temporary Family Law Order</a>	FL Parentage 324	Fill this out the way you would like the Commissioner to decide at the Return Hearing.	<input type="checkbox"/>
<a href="#">Restraining Order</a>	FL All Family 150	Fill this out the way you would like the commissioner to decide at the return hearing	<input type="checkbox"/>

*If you are not requesting temporary orders skip to step 8*

## Step 7: Complete forms for return hearing

- Fill out the forms below if you are requesting a parenting plan, child support at the return hearing.
- Make copies (a copy for yourself and one for serving to the other party)
- File the originals with the clerk's office

<a href="#">Declaration</a>	FL All Family 135		<input type="checkbox"/>
<a href="#">Parenting Plan</a>	FL All Family 140		<input type="checkbox"/>
<a href="#">Information for a Temporary Parenting Plan</a>	FL All Family 139		<input type="checkbox"/>

**Fill out these forms if you are asking for temporary child support at your return hearing:**

<a href="#">Child Support Worksheets</a>	WSCSS-Worksheets	Online Child Support Calculation software is available at: <a href="https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator">https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator</a>	<input type="checkbox"/>
<a href="#">Child Support Schedule &amp; Instructions</a>	Use this information to calculate Child Support Worksheets.		
<a href="#">Child Support Order</a>	FL All Family 130	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>

**Fill out these forms if you are asking for temporary child support at your return hearing:**

<a href="#">Financial Declaration of _____</a>	FL All Family 131		<input type="checkbox"/>
<a href="#">Sealed Financial Source Documents</a>	FL All Family 011		<input type="checkbox"/>
For the court to decide on financial issues, you must provide copies of financial documents, including:			

- Your W-2s and complete personal tax returns for the past 2 years
- Your most recent pay stubs (at least 6 months)
- Complete partnership/corporate tax returns for the past 2 years if you have a 5% interest or more
- Statements from all your banks and financial institutions for the past 6 months


## Step 8: Virtual Immediate Restraining Order Hearing

**ALL PARTIES SHOULD PLAN TO APPEAR BY VIDEO/Zoom;** meaning, the Court should be able to see all parties. Please log into your hearing a few minutes early to test mic and video connections. ***When asked for your name, please type your FIRST and LAST*** name so the court may identify you properly. Please mute your microphone until the court calls upon you to speak.

Join Zoom Meeting by Clicking this Link:  
<https://kingcounty.zoom.us/j/95589486575>

**Meeting ID:** 955 8948 6575  
**Passcode:** NONE

**IMPORTANT: If notice is being given to the opposing party, it is the moving party's responsibility to provide this information.**

[If you wish to arrange for an interpreter](#) please call or email: Phone: (206) 477-1415  Email: [scinterp@kingcounty.gov](mailto:scinterp@kingcounty.gov)

Case information may be obtained by contacting the Ex Parte and Probate Department at (206) 477-2517. Please contact the department as soon as possible prior to your hearing if you are unable to appear by Zoom or have other administrative issues for consideration. Email to: [SCEXPORTEORDERS@KINGCOUNTY.GOV](mailto:SCEXPORTEORDERS@KINGCOUNTY.GOV) is preferred.

*If your Immediate Order is Approved, move on to Step 9*

## Step 9: Have the other party served with Restraining Order Return Hearing and Temporary Order paperwork

If the court has signed your *Immediate Restraining Order (Ex Parte)*, serve the other party with a copy of all your completed forms under Steps 2, 4, 6, and 7.

### **How to serve**

Someone over 18 – **not you** - must serve (give) the other party copies of your court papers. After serving, the server fills out a [Proof of Personal Service](#) form and gives it to you. Keep a copy for your own records and file the original with the Clerk's Office.

If you have questions about serving, ask the facilitators for the packet of information about service.

## Step 10: Submit your proposed orders to Family Law for Return Hearing

Your "Proposed Orders" are the following forms (as needed): Temporary Family Law Order, Child Support Order, Restraining Order, Law Enforcement Information Sheet.

You must submit your proposed order online through the **Clerk's Office eFiling System** <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/e-filing> via the "Proposed Orders (Family Law)" link.

If you are the person asking for the motion, submit your proposed order at least 14 calendar days prior to the hearing. If you are the person responding to the motion, the proposed order is due 5 court days prior to the hearing.

## Step 11: Submission List/Confirm Hearing for Restraining Order Return Hearing

Find this form here: <https://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name		Completed
<a href="#">Working Paper Submission List</a>		<input type="checkbox"/>

All documents that will be considered **must** be filed in the clerk's office (either e-filed or physically delivered) and served on the other party. Once you have filed the documents you must file a *Working Papers Submission List*. The Working Papers Submission List accomplishes two purposes:

1. **It confirms that you want your hearing to move forward**—The *Working Papers Submission List* is due by the reply deadline for the moving party (noon 3 court days prior) and the response deadline for the responding party (noon 5 court days prior). If you fail to file your submission list by the deadlines listed above, your hearing will not take place. It is suggested that the submission list be filed electronically to avoid processing delays.
2. **It lets the Commissioner know what to read to prepare for the hearing.** The submission list shall list all documents that the parties want the court to consider. It must list your motion. If the submission list does not list required documents, such as the motions, your hearing may not go forward.

If you have filed multiple motions for one case, and have reserved a spot for each motion, you may file one submission list for all properly reserved motions.



**Important!** If you do not turn in a Submission List your hearing will be stricken or cancelled. If the Responding party files a Submission List, but you do not, your hearing will still be stricken or cancelled. Do not leave the submission number column blank on the Submission List. The submission number is the number each document is assigned when it is filed. The submission numbers are located at <https://dja-prd-ecexap1.kingcounty.gov/> by entering your case number, clicking on the document list, and referring to the Sub Number Column.

## Step 12: Reply (if applicable)

If the other party chooses to respond to your motion, they must do so by 12 noon 5 court days before the hearing. If you wish to reply to the other party's response, you must do so by **12 noon 3 court days** before the hearing by filing an additional declaration form. You will make copies of the reply declaration and file the original with the Clerk's office and serve a copy to the other party. If you have already filed the Submission List, you must file a second Submission List to alert the Court of the new document to review for the hearing.

## Step 13: Virtual Hearing

All family law motions are being heard virtually via Zoom.

- Go to <https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-calendars-locations-operations/superior-court-calendars-schedules/virtual-family-law-hearings>
- Click on the link that says "Afternoon (1p.m.) Calendar"
- Find the name of your case. The zoom link you will use to appear for your hearing will be to the right of your case number.

If you cannot access Zoom for your hearing, you may also use the phone number provided to appear by phone. If you cannot go online to get the hearing information, at least two days before your hearing, call and leave a message at:

- 206-477-1523 for motions noted in Kent, or
- 206-477-2750 for motions noted in Seattle

Court staff will contact you back to let you know how to appear.

### Important tips for your Zoom hearing:

- 1. If you are on time for your hearing and you are not let into the meeting within 15 minutes** after your scheduled hearing time, please email
  - a. [FamilyLawStaffSeattle@KingCounty.gov](mailto:FamilyLawStaffSeattle@KingCounty.gov) for Seattle cases or,
  - b. [FamilyLawStaffMRJC@KingCounty.gov](mailto:FamilyLawStaffMRJC@KingCounty.gov) for Kent cases.Do not leave the waiting room. If you cannot email the court, call 206-263-0635 for assistance.
- 2. Once in the meeting please:**
  - a. Mute yourself and turn off your camera until you are called on.
  - b. Rename yourself with your last name, first name (example: "Doe, Jane").
  - c. If you get disconnected, you can click the link again or call the associated phone number and you will be let back into the meeting.
- 3. The coordinator will perform a check-in.** Please remain muted and do not speak until your name or case number is called.
- 4. After check-in, wait and remain muted with your camera off until the court is ready for your hearing.** Your hearing may start at any time between 1:00 and 4:00 pm. When called, identify yourself each time you speak and conduct yourself as you would if you were in a physical courtroom, meaning there are other people present for their hearings too.
- 5. After your hearing is over you are welcome to leave the meeting.**